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July 1, 2020

BY ECF

Honorable Mary Kay Vyskocil
United States District Court Judge
United States District Court for the
Southern District of New York
500 Pearl St.
New York, NY 10007

Re: Tammara Tillman v. The New York City Department of Human Resources
Administration, et al., Docket No. 20 Civ. 1153 (MKV) (SLC)

Dear Judge Vyskocil:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, attorney for defendants in the above action. I write to respectfully request an adjournment the Court-ordered mediation, currently scheduled to proceed on July 14, 2020, until the Court has ruled on defendants' Motion to Dismiss the Amended Complaint (Dkt. No. 26).

This is defendants' first request for an adjournment of mediation. Plaintiff's counsel does not consent to this request. This request does not affect any other scheduled dates in this matter.

As the Court may recall, defendants submitted a pre-motion conference letter on May 25, 2020, outlining the anticipated grounds for dismissal of plaintiff's original complaint. (Dkt. No. 19). In response, plaintiff's counsel requested leave to file an amended complaint. (Dkt. No. 21). By Order dated June 1, 2020, the Court granted in part and denied in part the parties' requests, granting plaintiff leave to file an amended complaint by June 17, 2020, and permitting defendants to move to dismiss the amended complaint, without need for a pre-motion conference letter or a conference before Your Honor, by July 1, 2020. (Dkt. No. 22). In accordance with that Order, today defendants filed their motion to dismiss the Amended Complaint, in full, with prejudice.

In the interim, pursuant to an Order entered by this Court on February 20, 2020 referring this case to the Court's Mediation Program for Pro Se Employment Discrimination Cases (Dkt. No. 5),¹ two mediators were assigned to the case on June 12, 2020. (See 6/12/2020 Minute Entry). Shortly thereafter, the mediators contacted the parties and suggested scheduling a mediation session in July. Defendants requested of the mediators that the mediation be postponed because they anticipated moving to dismiss the Amended Complaint, but the mediators insisted on picking a date in July for mediation, and suggested that defendants seek leave from the Court if they wanted to pursue an adjournment of mediation.

At this time, defendants request that the Court order adjournment of the mediation in this matter until after defendants' Motion to Dismiss the Amended Complaint is decided. The grounds for dismissal, in full and with prejudice, are explained in detail in defendants' Memorandum of Law in Support of their Motion to Dismiss (Dkt. No. 27). Until the Court has ruled on the Motion, defendants strongly believe that mediation will not be productive. Under the circumstances, defendants believe that mandating mediation before the defendants have the benefit of the Court's ruling on their Motion—let alone before defendants have the benefit of seeing plaintiff's response to the Motion—will not serve the “just, speedy, and inexpensive determination” of this action. F.R.C.P. Rule 1.

Thank you for your time and attention to this matter.

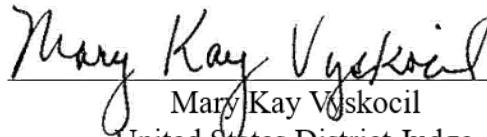
Respectfully submitted,

/s/

Amanda C. Croushore
Assistant Corporation Counsel

DENIED. The Parties should proceed with mediation as scheduled.
SO ORDERED.

Date: 7/3/2020
New York, New York


Mary Kay Vyskocil
United States District Judge

¹ Plaintiff initiated this action *pro se*. See Dkt. No. 2. However, on May 26, 2020, Monique Aziza, who had previously entered a Notice of Limited Appearance of Pro Bono Counsel for mediation purposes only (Dkt. No. 8), appeared as counsel for plaintiff for all purposes. (Dkt. No. 20).